

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on January 27, 2006, the Examiner rejected claims 1-19 and 21-25 under 35 U.S.C. §103(a) as being unpatentable over Huang et al., U.S. Patent Number 6,571,245, in view of Yohe et al., U.S. Patent Number 6,339,787. The Examiner also rejected claims 20 and 26 under 35 U.S.C. §103(a) as being unpatentable over Huang and Yohe and further in view of Schlueter, Jr. et al., U.S. Patent Number 6,122,351. Accordingly, Applicant respectfully provides the following.

Oath/Declaration

Pursuant to 37 CFR 1.111 (b) Applicants request that the Examiner's request for a new oath/declaration, a formal matter, be held in abeyance until allowable subject matter is indicated. See MPEP 714.02 (8th Ed., Rev. 3, August 2005) ("presentation of a new oath and the like are generally considered as formal matters").

Claim Rejections under 35 U.S.C. §103(a).

As mentioned above, the Examiner rejected claims 1-19 and 21-25 under 35 U.S.C. §103(a) as being unpatentable over Huang et al. in view of Yohe et al. In light of this rejection, Applicants amended independent claims 1, 8, 14, and 21 and provide the following remarks.

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

Applicants amended independent claims 1-19 and 21-25 to include a smart cache controller that uses instantaneous, real time smart cache refreshing to instantaneously share and forward updates of the information to one or more clients. Applicants respectfully submit that neither Huang nor Yohe teaches this limitation. In the Office Action on page 3, the Examiner indicated that Huang fails to teach a “smart cache controller to manage information accessed by one or more clients.” So Huang clearly fails to teach the above-mentioned limitation. While Yohe teaches that it is beneficial to increase the speed in which data is accessed, it mentions nothing about using instantaneous, real time smart cache refreshing to instantaneously share and forward updates of the information. In contrast, Applicants disclose synchronization of information over a network using instantaneous, real time smart cache refreshing where the smart cache controller only sends data to those that need the information. See Specification, page 4, lines 2-13. This allows users to view the information in real time with instant updates. See Specification, page 4, lines 15-17. Because these limitations relating to the selective instantaneous sharing and forwarding of information are not taught by the prior art, Applicants respectfully submit that the claims are not obvious in view of the prior art references. As claims 20 and 26 depend from otherwise allowable subject matter, such claims are also not obvious in view of the cited references.

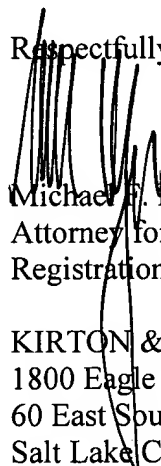
Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 1-14 and 16-26 under Section 103.

CONCLUSION

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 27 day of April, 2006.

Respectfully submitted,



Michael F. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
(801) 328-3600

SBO/rlh